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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dale G. Malott
Serial No.: 10/725,675
Filed: December 2, 2003
Title: "RETURN AIR APPARATUS WITH DOWN DRAFT DIVERTER"
Docket No.: 35149US1

LETTER

Mail Stop: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

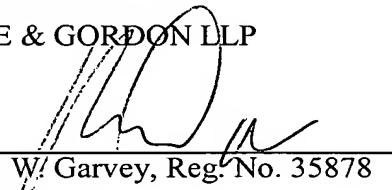
Sir:

Applicant encloses herewith the required Declaration and Power of Attorney. A check for \$130.00 is enclosed to cover the late filing fee surcharge for the enclosed Declaration. Applicant has not yet received a Notice to File Missing Parts of Application.

If there are any further fees resulting from this communication not covered by the enclosed check, please charge the same to Deposit Account No. 16-0820, Order No. 35149US1.

Respectfully submitted,

PEARNE & GORDON LLP

By 
Michael W. Garvey, Reg. No. 35878

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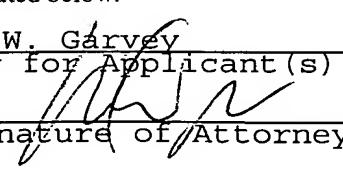
Date: February 17, 2004

02/25/2004 WASFAW1 00000066 10725675

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.


Michael W. Garvey
Name of Attorney for Applicant(s)
02/17/2004
Date Signature of Attorney



DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION

Submitted with Initial Filing

Submitted after Initial Filing
(Surcharge (37 CFR 1.16(e)) required)

Attorney Docket No.: 35149US1

Application Number: 10/725,675

First Named Inventor: Dale G. Malott

Filing Date: December 2, 2003

Group Art Unit: _____

Examiner Name: _____

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

RETURN AIR APPARATUS WITH DOWN DRAFT DIVERTER

the specification of which (check only one item below)

is attached hereto,

OR

was filed on (MM/DD/YYYY) 12/02/2003 as United States Application Number or PCT International Application Number 10/725,675 and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d), or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

<u>Country</u>	<u>Prior Foreign Application Number(s)</u>	<u>Foreign Filing Date (MM/DD/YYYY)</u>	<u>Priority Claimed?</u>
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I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

<u>Provisional Application Number(s)</u>	<u>Filing Date (MM/DD/YYYY)</u>
60/430,201	12/02/2002

I hereby claim the benefit under 35 U.S.C. 120, of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>U.S. Parent Application or PCT Parent Number</u>	<u>Parent Filing Date (MM/DD/YYYY)</u>	<u>Parent Patent Number (if applicable)</u>
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As a named inventor, I hereby appoint practitioners at Customer No. 000116 as my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Address all correspondence to Customer Number 000,116.

Please direct all correspondence and inquiries to Jeffrey J. Sopko at (216) 579-1700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1) Inventor Name (sole or joint): Dale G. Malott

Signature: Dale G. Malott

Date: 28 JAN 04

Citizenship: United States

Residence (City, State, Country): Middlebury, Indiana, United States

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